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**Indiana Legislative Services Agency**  
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**IC 16-40-3**

Chapter 3. Reporting Deaths or Complications From Morbid Obesity Surgeries

**IC 16-40-3-1**

**"Morbid obesity"**

Sec. 1. As used in this chapter, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this section, body mass index is equal to weight in kilograms divided by height in meters squared.

*As added by P.L.196-2005, SEC.3.*

**IC 16-40-3-2**

**Physician discussions, monitoring, and reporting; report requirements**

Sec. 2. (a) As used in this section, "major complication" means a complication from surgical treatment for morbid obesity that:

- (1) requires an extended hospitalization, additional surgical treatment, or invasive drug therapy within thirty (30) days of the original surgical treatment; or
- (2) results in a permanent disability.

(b) As used in this section, "serious side effect" means a nutritional deficiency that requires hospitalization or invasive therapy.

(c) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall do the following:

- (1) Before performing surgery, discuss the following with the patient:

- (A) The requirements to qualify for the surgery.
  - (B) The details of the surgery.
  - (C) The possible complications from the surgery.
  - (D) The side effects from the surgery, including lifestyle changes and dietary protocols.

(2) Monitor the patient for five (5) years following the patient's surgery, unless the physician is unable to locate the patient after making reasonable efforts.

- (3) Report before June 30 and before December 31 of each year:

- (A) to; and
  - (B) in a manner prescribed by;

the state department any death, serious side effect, or major complication of the patient.

- (d) A report required by subsection (c)(3) must include the following information:
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- (1) The gender of the patient.
- (2) The name of the physician who performed the surgery.
- (3) The location where the surgery was performed.
- (4) Information concerning the death, serious side effect, or major complication and the circumstances in which the death, serious side effect, or major complication occurred.
- (5) The comorbidities, body mass index, and waist circumference of the patient:
  - (A) at the time of the surgical treatment; and
  - (B) thirty (30) days, ninety (90) days, and one (1) year after surgical treatment.
- (6) Whether the patient has had previous abdominal surgery.

*As added by P.L.196-2005, SEC.3. Amended by P.L.102-2006, SEC.2.*

### **IC 16-40-3-3**

#### **Collection and maintenance of records; confidentiality of reports; statistical reports public record**

Sec. 3. (a) The state department shall collect and maintain the information reported to the state department under section 2 of this chapter.

(b) The reports made under section 2(c)(3) of this chapter are confidential. However, the state department may compile statistical reports from information contained in reports made under section 2(c)(3) of this chapter. Any statistical report is subject to public inspection.

*As added by P.L.196-2005, SEC.3. Amended by P.L.102-2006, SEC.3.*

### **IC 16-40-3-4**

#### **Violations**

Sec. 4. A physician who knowingly violates this chapter may be subject to disciplinary sanctions under IC 25-1-9 as if the physician had knowingly violated a rule adopted by the medical licensing board under IC 25-22.5-2-7.

*As added by P.L.196-2005, SEC.3.*

### **IC 16-40-3-5**

#### **Rules**

Sec. 5. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter.

*As added by P.L.196-2005, SEC.3.*

### **IC 16-40-3-6**

#### **Expiration**

Sec. 6. This chapter expires June 30, 2010.

*As added by P.L.196-2005, SEC.3.*